

SECTION 225 - SPECIAL EVENTS

225.01 Declarations; Purpose. The purpose and intent of this Section is to:

- A. Provide a systematic application process for events having an effect on public property and/or public services.
- B. Lessen undue impact on private property.
- C. Ensure that City, state and federal codes are adhered to.
- D. Recapture any City expenditures lost for the development of, and operational costs for, a privately sponsored event.

225.02 Definitions.

Event. Any parade, race or special event that requires closure of a public street or special traffic control.

Parade. Any parade, march, or procession in or upon any street except the sidewalks thereof, or in or upon any alley in the City.

Race. Any organized bicycle race, foot race, race walking, wheelchair racing, rollerblading, marathon, jogging event, and similar events.

Special Event. Any privately sponsored event as defined by paragraph A of this Subsection 225.02, which occurs on a public street, sidewalk or any municipal property. This includes, but is not limited to, any fair, show, carnival, sporting event, school event and grand opening.

225.03 Permit Required; Procedure Exceptions. No person shall engage in, participate in, aid, form or start any event, unless a permit has been procured therefore. The provisions of Section 160 of this Code shall apply to all permits required by this Section and to the holders of such permits except the permit shall be issued or denied by the Manager. No permit shall be required for:

- A. Funeral processions.
- B. Governmental agency acting within the scope of its functions.
- C. Block parties on a residential street that has an average daily traffic volume of less than 1000 vehicles per day provided that the block party does not occur more than once annually for in excess of 8 hours.
- D. Lawful picketing.
- E. An event taking place entirely within the confines of a City park subject to the written permission of the Park Director pursuant to Section 1230 of this Code.

225.04 Application For Permit.

Subd. 1 **Time for Application.** A person seeking issuance of an event permit shall file an application with the Clerk on forms provided by the Clerk. The application shall be accompanied by the fee set forth in section 185 of this Code. To ensure an orderly approval process, permit applications should be filed as soon as possible in advance of the event. Permit applications must be filed not less than sixty (60) days or more than one year before the date on which the event is proposed to take place. Failure to file in a timely manner may be grounds for denial of the permit.

Subd. 2 **Content of Application.** The provisions of this paragraph are in addition to the requirements of Section 160 of this Code. The application for a permit shall set forth the following information:

- A. The name, address and telephone numbers, daytime and nighttime, of the person who will be responsible for performance of the duties of the permit holder.
- B. The date when the event is to be conducted.
- C. The details of proposed route requested, the starting point, the termination point and the desired location of any assembly areas.
- D. The approximate number of persons who, and animals and vehicles which will, constitute such event; the type of animals, and description of the vehicles.
- E. The hours when such desired event will assemble start and terminate.
- F. A statement as to whether the event would occupy all or only a portion of the width of the streets proposed to be traversed.
- G. Listing of all food vendors.
- H. The estimated number of participants in the most recent year.
- I. Such other information as the Clerk shall find necessary to evaluate the application.

Subd. 3 **Deposit for City Expenses.** The Clerk may require the applicant to deposit with the City the estimated cost of City services to be performed in connection with the event. The estimated cost shall be determined by the Clerk.

225.05 Duties Of Permit Holder.

- A. A permit holder hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The permit holder or the person designated by paragraph B (1) of Subsection 225.04, shall carry the event permit upon his or her person during the conduct of the event.
- B. Within the two (2) hour period immediately following the end of the event, the permittee or event coordinator will clean up, remove and dispose of all litter or material of any kind, which is placed or left on the street, park or other public property because of such event. Should the permittee, or event coordinator fail to do so; the City will bill the permittee or event coordinator for all costs related to the clean up, removal and disposal

of litter because of the event. In addition, no future applications will be considered until all obligations are satisfied.

C. Required undertakings. In addition to the information required in Subsection 225.04, the permit holder shall, at permit holder's expense, and without expense to the City, undertake the following:

1. Provide either authorized civilian or police personnel at all intersections requiring traffic-control personnel.
2. Provide volunteers to monitor the barricades at all intersections not requiring traffic-control personnel, as determined by the police department.
3. Provide, install and remove the barricades, signs and delineation equipment as directed by the Engineer, Police Chief, or their designees.
4. Defend and hold the City harmless from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such permit, including attorney fees and expenses.

225.06 Notice To Abutting Property Owners. This Subsection 225.06 shall apply only to races.

A. Upon issuance of an event permit for a race, the permit holder shall notify the occupants and building managers of property abutting the event route by leaflet at least five (5) days, but not more than fourteen (14) days, before the event.

B. In the case of a residential building containing three (3) units or less, a leaflet shall be distributed to each unit. In the case of a residential building or facility containing more than three (3) units, a leaflet shall be prominently posted in the lobby or common entryway. Leaflets shall also be distributed to nonresidential abutting properties.

C. The leaflet shall briefly describe the nature of the event, shall identify the name and telephone number of the permit holder and the date and time of the event, shall contain a map of the route, and shall describe all restrictions upon traffic and parking on or crossing the event route.

D. Prior to distribution of the leaflet, the permit holder shall file a copy of the leaflet with the Clerk's office, the Police Chief and the Public Works Department. The leaflet must be approved by the Clerk prior to its disbursal.

225.07 Insurance. Upon compliance with all other provisions of this Section 225, a permit for an event may be granted only after the applicant has secured and filed with the Clerk the insurance provided for in this section. The policy or policies shall specifically provide for payment by the insurance company on behalf of the insured all sums which the insured's shall be obligated to pay by reason of liability imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insured's pursuant to the provisions of this chapter.

All insurance required in this Subsection 225.07 shall be issued by insurance companies acceptable to the City and admitted in Minnesota. The insurance specified may be in a policy or policies of insurance, primary or excess.

A. Workers' compensation insurance that meets the statutory obligations with coverage B – employer's liability limits of at least \$100,000.00 each accident, \$500,000.00 each disease – policy limit and \$100,000.00 disease- each employee.

B. Commercial general liability insurance with limits of at least \$1,000,000.00 general aggregate, \$1,000,000.00 products - completed operations, \$1,000,000.00 personal & advertising injury, and \$1,000,000.00 each occurrence, \$50,000.00 fire damage, and \$5,000.00 medical expense any one person. The policy shall be on an "occurrence" basis, shall include contractual liability coverage and the City shall be named an additional insured.

Acceptance of the insurance by the City shall not relieve, limit or decrease the liability of the event permit holder. Any policy deductibles or retentions shall be the responsibility of the event promoter. The permit holder shall control any special or unusual hazards and be responsible for any damages that result from those hazards. The City does not represent that the insurance requirements are sufficient to protect the permit holder's interests or provide adequate coverage.

Evidence of coverage is to be provided in the form of a certificate of insurance. A thirty (30) day written notice is required if the policy is canceled, not renewed or materially changed. The permit holder shall require any of its participants using automobiles in the race to carry automobile liability insurance meeting the statutory limits of the State of Minnesota.

The permit holder shall require any of its subcontractors to comply with these provisions.

225.08 Indemnification. Permit holder agrees to defend, indemnify and hold the City, its officers and employees harmless from any liability, claim, damages, costs, judgments, or expenses, including attorney's fees, resulting directly or indirectly from an act or omission including, without limitation, professional errors and omissions, of event promoter, its agents, employees, arising out of or by any reason of the conduct of the activity authorized by such permit and against all loss caused in any way be reason of the failure of the event promoter to fully perform all obligations under this Section 225.

History: Ord 2004-13, 10-19-04

Cross Reference: Sections 160, 185, 1230